

HONORABLE BARBARA JACOBS ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

LESLIE COX, JIM FREITAG, and
JAY GRIESEL,

Plaintiffs,

VS.

F/V NEAHKAHNIE, Official No. 599534, her engines, tackle, apparel, furniture, and equipment, *in rem*, and OCEAN WARRIOR, LLC, HENRY LITZINGER, and MICHAEL REDDEKOPP, *in personam*,

Defendants.

IN LAW AND IN ADMIRALTY

NO. 2:16-cv-00170-BJR

ORDER FOR DEFAULT JUDGMENTS
AGAINST OCEAN WARRIOR, LLC,
HENRY LITZINGER AND MICHAEL
REDDEKOPP

THIS MATTER came before the Court on the Motion of Plaintiffs Leslie Cox (Cox), Jim Freitag (Freitag), and Jay Griesel (Griesel) for entry of default judgments against Defendants Ocean Warrior, LLC, Henry Litzinger and Michael Reddekopp, and the Court having reviewed the files and records herein, including the default against Defendant Ocean Warrior, LLC (Doc. 13), default against Defendant Henry Litzinger (Doc. 31), and default against Michael Reddekopp (Doc. 42), and the memoranda and declarations in support, including the following:

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- Plaintiffs' FRCP 55(b)(2) and LCR 66(b)(4) Motion For Entry Of Default Judgments Against Defendants Ocean Warrior, LLC, Henry Litzinger and Michael Reddekopp;
- Declaration Of Leslie Cox In Support Of Default Judgment dated May 13, 2016 and Exhibits attached thereto (Cox Decl./Doc. 16);
- Declaration Of Jim Freitag In Support Of Default Judgment dated May 13, 2016 and Exhibits attached thereto (Freitag Decl./Doc. 17);
- Second Declaration Of Jim Freitag dated November 8, 2016 (Freitag Second Decl.);
- Declaration Of Jay Griesel In Support Of Default Judgment dated May 17, 2016 and Exhibits attached thereto; (Griesel Decl./Doc. 18)
- Declaration Of Harold A. Thoreen In Support Of Default Judgment dated May 19, 2016 and Exhibits attached thereto (Thoreen Decl./Doc. 15); and
- Second Declaration Of Harold A. Thoreen In Support Of Default Judgments dated November 15, 2016 and Exhibits attached thereto (Thoreen Second Decl.).

AND THE COURT HAVING FOUND THE FOLLOWING:

1. Defendant Ocean Warrior, LLC is a Washington State limited liability company with its principal office in the jurisdiction of this Court and was the charterer of the F/V NEAHKAHNIE and employer of Plaintiffs Leslie Cox, Jim Freitag and Jay Griesel at all times pertinent thereto;

2. Plaintiffs Leslie Cox, Jim Freitag and Jay Griesel were employed as seamen on the F/V NEAHKAHNIE in Seattle, Washington by Defendant Ocean Warrior, LLC on an oral basis. No written employment agreement was executed between the parties;

3. Plaintiff Leslie Cox is owed \$24,600 as the principal balance of wages from his employment by Defendant Ocean Warrior, LLC on the Defendant F/V NEAHKAHNIE for the period April 24, 2015 – September 25, 2015;

4. Plaintiff Jim Freitag is owed \$32,700 as the principal balance of wages from his employment by Defendant Ocean Warrior, LLC on the Defendant F/V NEAHKAHNIE for the period February 17, 2015 – September 25, 2015;

1 5. Plaintiff Jay Griesel is owed \$2,800 as the principal balance of wages from his
2 employment by Defendant Ocean Warrior, LLC on the Defendant F/V NEAHKAHNIE for
3 the period September 12, 2015 – September 25, 2015;

4 6. RCW 4.56.110(3)(b) provides for a pre- and post-judgment interest rate of
5 5.250% from the last date of each voyage during the duration of the plaintiffs' employment
6 on the F/V NEAHKAHNIE;

7 7. Defendants Henry Litzinger and Michael Reddekopp were at all times pertinent
8 hereto members of Defendant Ocean Warrior, LLC;

9 8. Defendant Henry Litzinger was at all times pertinent hereto the Master of the
10 Defendant F/V NEAHKAHNIE;

11 9. The failure of Defendants Henry Litzinger and Michael Reddekopp to pay
12 Plaintiffs Leslie Cox, Jim Freitag and Jay Griesel was willful and wanton in violation of
13 RCW 49.52.050 and RCW 49.52.070;

14 10. When Plaintiffs' attorney, Harold A. Thoreen of Harold A. Thoreen, P.S., Inc.
15 undertook to represent Plaintiffs Leslie Cox, Jim Freitag and Jay Griesel on a contingent fee
16 basis in this matter, there was a strong possibility that the litigation would be unsuccessful
17 and that no fee would be obtained;

18 11. Plaintiffs' attorney Harold A. Thoreen has presented sufficient evidence of
19 126.20 hours of work performed in this matter through November 9, 2016;

20 12. Plaintiffs have presented evidence of the reasonableness of their attorney's fee
21 of \$350/hour on maritime seamen's claims;

22 13. Plaintiffs Leslie Cox, Jim Freitag and Jay Griesel each executed a Contingent
23 Fee Agreement with their attorney Harold A. Thoreen providing for a base contingent fee of
24 33.33% of any recovery; and

25 14. Plaintiffs have produced evidence sufficient to award a contingent adjustment
26 for attorney fees based on the Contingent Fee Agreement between Plaintiffs and their
attorney herein.

27 WHEREFORE, pursuant to FRCP 55(b)(2) and LCR 55, the Court grants Plaintiffs'
28 Motion and enters default judgments against Defendants Ocean Warrior, LLC, Henry
29 Litzinger and Michael Reddekopp jointly and severally as follows:

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1. Leslie Cox, the principal amount of \$24,600, penalty wages of \$24,600 pursuant
2 to RCW 49.52.070, prejudgment interest of \$7,413.85 through November 11, 2016 for a total
3 of \$56,613.85 and post-judgment interest at 5.250%;

4. Jim Freitag, the principal amount of \$32,700, penalty wages of \$32,700
5 pursuant to RCW 49.52.070, prejudgment interest of \$2,080.12 through November 11, 2016
6 for a total of \$67,480.17 and post-judgment interest at 5.250%;

7. Jay Griesel, the principal amount of \$2,800, penalty wages of \$2,800 pursuant
8 to RCW 49.52.070, prejudgment interest of \$166.33 through November 11, 2016 for a total
9 of \$5,766.33 and post-judgment interest at 5.250%;

10. For attorney fees of \$48,282.45; and

11. For costs of \$420.45.

12. DATED this 17th day of November, 2016.

13. 
14. _____

15. Barbara Jacobs Rothstein
16. U.S. District Court Judge